

**BOARD OF APPEALS CASE NO. 5067**

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**BEFORE THE**

**APPLICANT: William K. Ulrich**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct an addition  
within the required side yard setback;  
808 Delray Drive, Forest Hill**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 7/21/00 & 7/26/00**

**HEARING DATE: August 23, 2000**

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**Record: 7/21/00 & 7/28/00**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, William Ulrich, is seeking a variance pursuant to Section 267-36B, Table V, of the Harford County Code, to construct an addition to his existing home within the 30 foot total side yard setback (25 feet requested) in an R2 Urban Residential District.

The subject parcel is located at 808 Delray Drive, Forest Hill, MD 21050 and is more particularly identified on Tax Map 40, Grid 2D, Parcel 335, Lot 29. The parcel consists of 0.2866 acres, is zoned R2 Urban Residential and is within the subdivision of Forest Lakes. The parcel is entirely within the Third Election District.

As a matter of housekeeping, the Hearing Examiner changes a mistake on the Application to indicate that William Kirk Ulrich is the Applicant and not William George Ulrich as indicated.

The Applicant, William Kirk Ulrich appeared and testified that he and his wife own the subject parcel as tenants by the entireties. He plans to construct a 50 foot by 15 foot single story addition to his existing home to allow his parents to live in his home. The Applicant explained that there is no other practical location for the addition because of the location of the existing house on the lot and the size of the lot. The lot is described as rolling topography with the only possible location for the addition where it is proposed. If the addition is not built, the Applicant's parents would be forced to live elsewhere. The Applicant did not believe any adverse impact would result from the addition and felt that the addition and finished dwelling would be compatible with the rest of the neighborhood.

Mr. Anthony McClune appeared as Manager, Division of Land Use Management for the Department of Planning and Zoning. Mr. McClune reviewed the Staff Report dated

## **Case No. 5067 – William K. Ulrich**

August 3, 2000 submitted with this appeal. The Staff recommends approval of the request and, after investigation of the request, finds the subject property unique topographically and further finds that approval of the request will not adversely impact the health or safety of neighboring property owners nor will the purposes of the Harford County Zoning Code be impaired thereby.

There was no opposition to the request.

### **CONCLUSION:**

The Harford County Code, pursuant to Section 267-11, provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Harford County Code, pursuant to Section 267-36B, Table V, requires a minimum 10 foot setback, 30 foot total side yard setback in an R2 zone. The Applicant is requesting a variance which will reduce the setback from the existing 27 feet to 12 feet and the total side yard setback to 25 feet. The Hearing Examiner agrees with the Department of Planning and Zoning's conclusions in this case and recommends approval of the variance requested herein, subject to the condition that the Applicant obtain any and all necessary permits and inspections.

Date SEPTEMBER 6, 2000

William F. Casey  
Zoning Hearing Examiner